IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No. 2227 of 2007
Date of decision 12 .2.2007

Executive Engineer, CP Division No.1, UT, Chandigarh
.. petitioner

Versus

The Presiding Officer, Labour Court, Chandigarh and another
Respondents

CORAM: HON'BLE MR. JUSTICE M.M. KUMAR
HON'BLE MR. JUSTICE RAJESH BINDAL

PRESENT: Mr.VS Bhardwaj, Advocate for the petitioner

M.M.Kumar, J.

The Union Territory, Chandigarh Administration, has challenged the award dated 7.10.1997 (Annexure P.7) passed by the Presiding Officer, Labour Court, Union Territory, Chandigarh holding that the termination of the workman respondent no. 2 was in violation of the provisions of Section 25 F of Industrial Disputes Act, 1947 (for brevity 'the Act') and accordingly he has been held entitled to reinstatement with continuity of service with 50 percent back wages. It remains undisputed that the workman respondent was appointed on 1.11.1986 and he was retrenched on 24.3.1992. It has been categorically found as a fact that retrenchment compensation as contemplated by Section 25F of the Act was not paid to the workman who was directed to collect it before the expiry of the date mentioned in the retrenchment notice. It is well settled that management is under an obligation to comply with the provisions of Section 25 F of the Act before retrenching the services of a workman. It has also been recorded that no evidence was produced to show that the workman respondent no.2 was gainfully employed.

Mr.V.S.Bhardwaj, learned counsel for the U.T. Administration-petitioner has not been able to successfully dispute the proposition of law that once the mandatory requirement of Section 25F of the Act of not paying retrenchment compensation to the workman has not been complied with then the necessary consequence of quashing such an order as illegal must follow. Moreover, the impugned award has been passed on 7.10.1997 and no steps have been taken to file the petition within a reasonable time. nor any explanation has been furnished by the petitioner to show any justification for such a huge delay of about seven years. The rights of the workman must be deemed to have attained finality and matter cannot be re-opened at the instance of the petitioner. Accordingly, we find that the writ petition is devoid of any merit and the same is liable to be dismissed.

For the reasons mentioned above, this petition fails and the same is dismissed.

(M.M.Kumar)
Judge

(Rajesh Bindal)
Judge

12.2.2007
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